

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

FREDDIE McCOY,

Plaintiff,

Case No. 06-10837

v.

HONORABLE DENISE PAGE HOOD

STATE OF MICHIGAN and DEPARTMENT
OF CORRECTIONS,

Defendant.

ORDER

This matter is before the Court on various motions filed by the parties. Oral arguments were held. For the reasons set forth on the record,

IT IS ORDERED that the Emergency Motion to Adjourn Trial filed by Plaintiff (**Doc. No. 109, 9/10/2012**) is DENIED.

IT IS FURTHER ORDERED that the Motion to Quash Improperly Served Subpoenas filed by Defendant (**Doc. No. 107, 9/10/2012**) is DENIED. Defendant agreed to produce the witnesses Defendant identified as agents for the Defendant. Defendant also agreed to make available to receive service at the workplace the witnesses currently employed by Defendant. As to the employees no longer employed by Defendant, Plaintiff will re-serve these individuals at their last known address.

IT IS FURTHER ORDERED that the Motion in Limine filed by Plaintiff (**Doc. No. 103, filed 7/23/2012**) is GRANTED IN PART and DENIED IN PART. Evidence of Plaintiff's mood disorders is excluded because Plaintiff is not seeking mental and emotional damages. Evidence regarding the reason and punishment for Plaintiff's disciplines prior to 2002 is excluded, but

evidence referring to active disciplines forming a basis of the decisionmaker's consideration may be presented without referring to the reason and punishment of the active disciplines.

IT IS FURTHER ORDERED that the Motion in Limine to Preclude Evidence of Plaintiff's Departure from the Wyoming Department of Corrections (**Doc. No. 104, 7/23/2012**) is DENIED to show lack of mitigation of damages.

Dated: September 14, 2012

s/Denise Page Hood

DENISE PAGE HOOD

UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, September 14, 2012, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry

Case Manager